

MINUTES

UTAH FUNERAL SERVICE LICENSING BOARD MEETING

February 15, 2006

**Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building**

CONVENED: 9:00 A.M.

ADJOURNED: 12:30 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Shaun S. Myers, Chairperson
Craig McMillan
Reginal V. Ecker
Allyn Walker
Joseph W. Thalman

Board Members Absent:

Mary W. Bearnson
Mark Walker

Guests:

Craig Jackson, Division Director
Mitchell Jones, AAG
Ryan Cleverly, Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the November 3, 2005 Minutes.

Mr. McMillan made a motion to approve the minutes as read. Mr. Ecker seconded the motion. **The Board vote was unanimous.**

PENDING BUSINESS:

Law and Rule Review regarding Apprentice Supervision Duties, Association and Disassociation Forms and Clarification of other Licensing Issues

Ms. Taxin requested the Board to clarify the duties of the Apprentice and the Supervisor as it is difficult to answer questions based on the way the Law and Rules are written.

The Board determined the Law should be more

specific in the duties of the Apprentice and the Supervisor and recommended the Division, Board and Association work together for rewriting portions of the Law for better clarification.

APPOINTMENTS:

10:00 A.M.

Robert Wilcoxon, Probationary Interview

Mr. Wilcoxon met for his probationary interview.

Board Members and Division staff were introduced to Mr. Wilcoxon.

Ms. Taxin conducted the interview.

Ms. Taxin requested Mr. Wilcoxon to briefly explain what the circumstances were that brought him before the Board.

Mr. Wilcoxon explained that he has a gambling addiction that got out of hand so he sold 3 fictitious insurance policies on 3 real people by forging their signatures to obtain funds.

Ms. Taxin and Mr. Jones, AAG, asked if the people were living people.

Mr. Wilcoxon responded that the people were living.

Mr. Jones remarked that the Stipulation and Order would have to be amended to reflect people living as the current Stipulation and Order states 3 non-existent individuals.

Ms. Taxin asked Mr. Wilcoxon if he would briefly explain the probationary requirements.

Mr. Wilcoxon explained that he must have a supervisor who will submit monthly reports for 6 months and then quarterly reports and he may request early termination of the probation after 18 months.

Ms. Taxin stated that Mr. Wilcoxon must have a supervisor who could be a Funeral Director working at the same establishment or another Funeral Director. Ms. Taxin stated that the supervisor and Mr. Wilcoxon would be required to

meet together a minimum of once a week in person and not by telephone. Ms. Taxin explained that the supervisor would review Mr. Wilcoxon's business, all contracts for preneed, check on how Mr. Wilcoxon treats his clients, review the business plan and oversee the whole business practice.

Mr. Wilcoxon requested a Board member be appointed as his supervisor.

Mr. Jones recommended the supervisor be a Funeral Director who is not a Board member in order to maintain the Board as unbiased and for the Board to be able to perform their duties as Board members when Mr. Wilcoxon meets and if there should be a hearing at a later date.

Ms. Taxin commented that Mr. Wilcoxon may request early termination after 18 months, however, it is not recommended if Mr. Wilcoxon is still having issues with gambling. Ms. Taxin reviewed the following additional requirements in Mr. Wilcoxon's Stipulation and Order:

- 1. Establish who will be Mr. Wilcoxon's supervisor.**
- 2. Submit a letter from the supervisor stating the Stipulation and Order has been read and the supervisor is willing to supervise and submit the required reports.**
- 3. Mr. Wilcoxon's partner, Mr. Garner, at Garner Funeral Home and Salt Lake Mausoleum, must read the Stipulation and Order and submit a letter acknowledging he has read it and will support Mr. Wilcoxon in following the Order.**
- 4. Provide a copy of the Stipulation and Order to Dr. Dennis Ahern, the Psychologist Mr. Wilcoxon has been seeing, and request a letter acknowledging he has read it and is willing to treat Mr. Wilcoxon.**
- 5. Ms. Taxin requested the letter include where Mr. Wilcoxon was when therapy started, the areas being addressed and any progress that has been made.**
- 6. Notify Dr. Dennis Ahern that the Stipulation and Order requires a psychological evaluation be completed and submitted to**

the Division within 90 days. The psychological evaluation should also include any treatment recommendations.

- 7. If Dr. Ahern is unwilling to treat Mr. Wilcoxon, then another Psychologist must complete the psychological evaluation and submit it with treatment recommendations.**
- 8. Complete 10 hours of continuing education (CE). Ms. Taxin stated that the hours must be pre-approved and are in addition to the hours required to renew the license. Ms. Taxin stated that Mr. Wilcoxon may complete the hours any time before February 2007.**
- 9. After the supervisor is approved, with the supervisor, write a business plan for the Board to review and refine.**
- 10. By the third appointment be practicing according to the approved business plan.**

Mr. Jones left the meeting to amend the Stipulation and Order.

Following discussion, the Board determined the supervisor should not be a Board member. The Board recommended Mr. Wilcoxon be given the names of Kurt Soffe or Delworth (Del) Ballard to contact for supervision as either would be capable of providing appropriate supervision.

An appointment was made for Mr. Wilcoxon to meet again on May 25, 2006.

Mr. Cleverly escorted Mr. Wilcoxon to Mr. Jones office to sign the amended Stipulation and Order.

The Board recommended a meeting be scheduled prior to May 24, 2006 if Mr. Wilcoxon is unable to locate an appropriate supervisor.

DISCUSSION ITEMS:

Larry Turpen, Probation Update

Ms. Taxin reported that she contacted Mr. Turpen to meet with the Board for a probationary update and Mr. Turpen declined meeting based on his not working as a Funeral Service Director at this time. Ms. Taxin stated that she asked Mr. Turpen to submit a proposal

for the Board to review if he decides to work for an establishment that is not his own.

No Board action was taken.

What Licenses are Required at each
Establishment Location: Establishment,
Preneed Provider, Director, Preneed Sales
Agent

Ms. Taxin stated that the Laws and Rules appear to require the following licenses:

1. An Establishment license.
2. A licensed Funeral Service Director.
3. A Preneed Sales Agent license for all agents selling preneed.
4. A Preneed Provider license for each establishment selling preneed.

Ms. Taxin stated that there are several establishments selling preneed with one Preneed Provider license for the main establishment location but not a separate license at each satellite establishment as required by Law. Ms. Taxin requested a recommendation from the Board regarding requiring compliance for renewal.

The Board requested Ms. Taxin notify the establishments about the requirement in the Law and then hold off on requiring compliance for this renewal period to give the Board, Division and Association time to review the Law and make changes during the next Legislative session.

Report on the Response to the Verification of
Funeral Service/Preneed Association Form and
the Location of the Form on the Website

Ms. Taxin reported that 50 establishments have submitted completed or semi-completed forms with the information requested to assist the Division in updating the establishment and preneed records. Ms. Taxin stated that a second letter is being mailed out thanking those who responded and again requesting the information from those who did not respond. Ms. Taxin stated that a copy of the letter and form is available on the website at www.dopl.utah.gov for anyone to access, complete and submit.

The Board thanked Ms. Taxin for actively working on this project and concurred that a second letter should be sent.

May 31, 2006 Renewals

Ms. Taxin reported that the 2006 renewals will be sent in the next couple of weeks.

The Board noted the information.

CE Audits

Ms. Taxin reported that the Continuing Education (CE) audit letters and form have been sent out.

Allyn Walker asked if any of the hours obtained to maintain the insurance license would count toward the Funeral Service Director CE's.

Ms. Taxin and the Board responded that the hours should count as the guidelines in the Rules state that the CE must be in areas related to funeral service and the insurance license is a requirement to sell preneed by insurance.

Ms. Taxin reported that there have only been 2 of the audits returned to the Division to date. Ms. Taxin stated that one has documented meeting the CE requirements and is ready to renew online and the other has requested a waiver of the CE. Ms. Taxin remarked that information has been requested in order to consider waiving the CE requirement.

Annual Reports Due April 15, 2006

Ms. Taxin reported that the annual reports are required to be submitted. Ms. Taxin asked the Board if there is any real value in submitting the reports if the preneed is sold and audited by the insurance companies.

The Board responded that the annual reports are busywork as the insurance companies conduct yearly audits.

The Board requested that Ms. Taxin notify the establishments about the requirement in the Law and then hold off on requiring compliance for this renewal period to give the Board, Division and Association time to review the Law and make changes during the next Legislative session.

Tentative 2006 Board Meeting Schedule

The Board noted the following tentative dates for the 2006 Board Meetings: May 25, August 17 and November 2, 2006.

Legislative Issues

None at this time.

CORRESPONDENCE:

Funeral Director Magazines

The Board reviewed the following Funeral Directors

Magazines:

1. The January 2006 Issue. **No action taken.**
2. The February 2006 Issue. **No action taken.**

Funeral Consumers Alliance Newsletter

The Board reviewed the newsletter. **No action taken.**

Funeral Ethics Organization Fall Newsletter

The Board reviewed the newsletter. **No action taken.**

YB Newsletters

The Board reviewed the following YB newsletters:

1. The December 2005 Issue. **No action taken.**
2. The February 2006 Issue. **No action taken.**

The International Conference of Funeral
Service Examination Board, Inc.
Correspondence

The Board reviewed the Following ICFSEB
Correspondence:

1. The National Board Examination Content Outline. **No action taken.**
2. The Budget Information. **No action taken.**
3. Information regarding free registration for the April 8-9, 2006 Louisville, Kentucky Conference. **No action taken.**

The Conference Report

The Board reviewed the Report. **No action taken.**

Continuing Education (CE) Information

The Board reviewed the following CE information:

1. The National Funeral Directors & Morticians Association, Inc. Conference, April 8-12, 2006, Reno, Nevada, for 9 ½ hours CE. **No action taken.**
2. Cremation Expo of the Americas, March 6-8, 2006, San Diego, California, for 9 hours CE. **No action taken.**
3. OGR, February 17-24, 2006, Symposium, Honolulu, Hawaii, for 8 hours CE. **No action taken.**
4. OGR, April 5-8, 2006, Toronto, Ontario, Canada, for 8 hours CE. **No action taken.**
5. Live Appreciation Training. **No action taken.**

NEXT MEETING SCHEDULED FOR:

May 25, 2006

MEETING ADJOURNED AT:

12:30 pm

Date Approved

Chairperson, Utah Funeral Service Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing